

O L S H A N

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April 16, 2018

**VIA ECF**

Hon. Michael A. Hammer  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street Room 4015  
Newark, NJ 07101

**Re: *Housewares America, Inc. v. Evert Fresh Corp., et al.***  
**Civil Action Number: 15-cv-3764 (MCA)(MAH) (District of New Jersey)**

Dear Magistrate Judge Hammer:

Counsel for all parties in this action write this joint letter in light of the conference call held with the Court and the Court's two orders, all on Friday, April 13, 2018. See ECF ## 92, 93.

The Court ordered that Plaintiff may depose Lynn Everts by May 7, 2018. Plaintiff intends to do so on May 1, 2018, and have already conferred with counsel for Mr. Everts, who is available on that date and is confirming his client's availability. Plaintiff anticipates that Mr. Everts' testimony will be necessary for inclusion in the forthcoming summary judgment motions.

The parties jointly propose the following schedule:

Summary judgment motions due by May 11, 2018;

Opposition due no later than June 12, 2018;

Reply due by June 28, 2018;

Expert discovery to be concluded by July 18, 2018, but shall not delay the briefing of any summary judgment motion; and

The Settlement Conference scheduled for July 24, 2018 before Magistrate Judge Michael A. Hammer shall remain scheduled for such date; and

The parties jointly request that an appropriate current Order be entered reflecting the foregoing circumstances.

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The parties hereby also request a telephonic conference with your Honor to discuss other scheduling issues.

We thank the Court in advance for consideration of these requests.

Respectfully submitted,

/s/ Andrew B. Lustigman

Andrew B. Lustigman

cc: Counsel of record (via ECF)

SO ORDERED

s/Michael A. Hammer  
Michael A. Hammer, U.S.M.J.

Date: 5/8/18